

REMARKS

Upon entry of the foregoing amendments, claims 1-23 will remain pending, where claims 1, 2 and 19 are independent claims.

Explanation of the Amendments

Claims 10-14, 18 and 20 have been amended by changing "said" to "the" for the sake of consistency throughout the claims.

Claims 22 was amended to change the style of the claim from a "use" claim to a claim for a method of use of the estrogen receptor gene of claim 1 for measuring the ability of a test substance to regulate estrogen receptor activity. Claim 23 also has been amended to change the style of the claim from a "use" claim to a claim for a method of use of a ligand binding domain of an estrogen receptor gene of claim 1. The method of claims 22 and 23 is a method for measuring the ability of a test substance to regulate estrogen receptor activity. The language used in method claims 22 and 23 is supported at least by the explanation of the method at pages 43-51 in the application as originally filed. No new matter has been added and no narrowing of the claims has been done by the amendments. Accordingly, entry of the foregoing amendments is respectfully solicited.

Response to Restriction and Election Requirements

Other than pointing out that claims 22 and 23 were "use" claims, the outstanding Office Action contains only a restriction requirement among four groups of claims Group I-IV, and an election requirement among three identified species within each Group.

Applicant respectfully traverses the restriction requirement.

The Examiner alleges that claim 1 of Group I is drawn to "numerous nucleotide sequences, each coding an amino acid sequence comprising a polypeptide of unique structural and functional characteristics. Since the first claimed invention does not recite a single special technical feature, it cannot share a special technical feature with the Inventions of Group II-IV".

Applicant respectfully disagrees. SEQ ID NO:1, SEQ ID NO:4 and SEQ ID NO:23, each represents an amino acid sequence for a bluegill estrogen receptor, *i.e.*, bluegill estrogen receptor alpha 1 (BGER α 1), bluegill estrogen receptor alpha 2 (BGER α 2), and bluegill estrogen receptor

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